

MAR 12 2008

Application No.: 10/516,733

Docket No.: 022290.0122PTUS

REMARKS

The Office Action mailed September 12, 2007 was reviewed and the comments of the Patent and Trademark Office were considered.

Applicant thanks the Examiner for allowance of Claim 1. Further, Applicant appreciates the rejoinder of Claims 15 – 25. Claims 1 – 14 were pending in the application. By the Examiner's rejoinder and current claim amendments, Claim 1 is allowed, and Claims 2 – 24 and 26 are pending in the application and submitted for consideration.

This amendment adds, changes or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

**35 U.S.C. § 112, FIRST PARAGRAPH CLAIM REJECTIONS**

The Examiner rejected Claims 15 – 25 under 35 U.S.C. § 112, first paragraph, asserting that the claims contained subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains, or with which it is almost nearly connected, to make and/or use the invention. Office Action at 2. Specifically, The Examiner alleges that there is no evidence that tocopherol/oligomer conjugate is effective to "protect" plants. *Id.* While Applicant respectfully disagrees, Claim 15 is amended to remove the language "plant-protection." Further, Applicant amended dependent Claim 24 to remove this language. Applicant reserves the right to pursue this subject matter in a separate application. Applicants, therefore, respectfully requests the Examiner withdraw the rejection of Claim 15 under 35 U.S.C. § 112, first paragraph.

Examiner also rejected Claim 19 under 35 U.S.C. § 112, first paragraph, alleging that the specification does not teach the skilled artisan to take a composition formulated for cosmetic

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purposes and administer it to the cerebellum. Office Action at 3. Applicant has amended Claim 19 to better clarify the language, and the amended Claim 19 is to a pharmaceutical composition. Applicants, therefore, respectfully requests the Examiner withdraw the rejection of Claim 19 under 35 U.S.C. § 112, first paragraph.

### 37 C.F.R. § 1.75(C) OBJECTIONS

The Examiner has objected to rejoined Claims 15 – 25 under 37 CFR 1.75(c) as being in improper multiple dependent form. Office Action at 3. Applicants have amended Claims 15 – 24 to remove multiple dependencies. Applicants, therefore, respectfully requests the Examiner withdraw the objection to Claims 15 – 24. Claim 25 is cancelled, thus Applicant respectfully requests the Examiner withdraw the objection to Claims 25.

The Examiner has objected to Claim 18, stating the quotes around “small” are superfluous and the Examiner proposed correct claim language. Applicant thanks Examiner for his suggestion, and has amended Claim 18 accordingly. Applicants, therefore, respectfully requests the Examiner withdraw the objection to Claim 18.

### 35 U.S.C. § 112, SECOND PARAGRAPH CLAIM OBJECTIONS

The Examiner objected to Claims 2 – 25 under 35 U.S.C. § 112, second paragraph, asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Office Action at 3 – 4.

To start, the Examiner asserted that the language “preferably” in Claim 2 is indefinite. Office Action at 4. Applicants have amended Claim 2 to remove this language. Applicants, therefore, respectfully requests the Examiner withdraw the objection of Claim 2 under 35 U.S.C. § 112, second paragraph.

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Applicant notes that Claims 3 – 7 depend upon Claim 2, which is currently amended. Applicant believes in their current state the rejection of Claims 3 – 7 is improper and therefore respectfully requests the Examiner withdraw the objection of Claim 3 – 7 under 35 U.S.C. § 112, second paragraph.

The Examiner objected to Claim 8, alleging the phrase “the glutamic units bearing grafts” lacks antecedent basis. Office Action at 4. Claim 8 claims priority to Claim 2, which claims priority to Claim 1, which claims “glutamic units, characterized in that at least some of these units *bear side chains*.” (emphasis added) . Applicants respectfully disagrees since grafts is another word for side chains. Applicants have amended Claim 8 to state “that bear side chains” to better clarify the language. Applicants, therefore, respectfully requests the Examiner withdraw the objection of Claim 8 under 35 U.S.C. § 112, second paragraph.

The Examiner objected to Claim 9 – 10 but did not distinctly point out the reasoning of the objection. Applicant notes that Claims 9 – 10 depend upon Claims 1 – 2, of which Claim 1 is allowed and Claim 2 is currently amended. Applicant believes in their current state the rejection of Claims 9 – 10 is improper and thus respectfully requests the Examiner withdraw the objection.

The Examiner objected to Claim 11 – 13 alleging that Claims 11 – 13 are not properly subgenerics. Office Action at 4. The Applicant has amended the claims to correct the dependency. Applicants, therefore, respectfully requests the Examiner withdraw the objection of Claim 11 – 13 under 35 U.S.C. § 112, second paragraph.

The Examiner objected to Claim 14 but did not distinctly point out the reasoning of the objection. Applicant notes that Claim 14 depends upon Claim 11, which has been amended. As such, Applicant believes that based upon the amended claims, the objection of Claim 14 is improper and thus respectfully requests the Examiner withdraw the objection.

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The Examiner objected to Claim 15, alleging that the language "comprises" mandates the presence of another compound or mixture of compounds. Office Action at 4. Applicant notes that "[t]he transitional term "comprising"... is inclusive or open-ended and does not exclude additional, unrecited elements or method steps." See, M.P.E.P. 2111.03. As such, Applicant does not believe he is required to state what any additional, unrecited compound or compounds may be included. Applicant therefore respectfully requests the Examiner withdraw the objection to Claim 15.

The Examiner objected to Claim 16 but did not distinctly point out the reasoning of the objection. Applicant notes that Claim 16 depends upon Claim 15, which has been amended. Applicant believes in their current state the objection of Claim 16 is improper and thus respectfully requests the Examiner withdraw the objection.

The Examiner objected to Claim 17, alleging that the term "active principle" lacks antecedent basis in Claim 15. Office Action at 4. Claim 17 has been amended to correct the antecedent basis issue. Applicant therefore respectfully requests the Examiner withdraw the objection to Claim 17.

The Examiner objected to Claims 18 - 20 but did not distinctly point out the reasoning of the objection. Claims 18 - 20 have been amended to address their multiple dependency. Applicant believes in their current amended state the objection of Claims 18 - 20 is improper and thus respectfully requests the Examiner withdraw the objection.

The Examiner objected to Claim 21, noting an ambiguity based upon its dependency on Claim 20. Office Action at 4. The Applicant has amended Claim 21 to correct the dependency. Applicants, therefore, respectfully requests the Examiner withdraw the objection of Claim 21 under 35 U.S.C. § 112, second paragraph.

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The Examiner objected to Claims 22 – 23 but did not distinctly point out the reasoning of the objection. Currently, Claims 22 – 23 are amended to correct their multiple dependency. Applicant believes in their current amended state the objection of Claims 22 – 23 is improper and thus respectfully requests the Examiner withdraw the objection.

The Examiner objected to Claim 24, alleging Claim 24 is a “substantial duplicate” of Claim 15, indefinite, the term “possibly being” is indefinite, the term “especially” is superfluous”, and the term “for example...” should be deleted. Office Action at 4 – 5. Claim 24 has been amended to address the Examiner concerns, and as amended reads:

24. The composition as claimed in claim 16, wherein the composition is for pharmaceutical use and is for the preparation of medicinal products for oral, nasal, vaginal, ocular, subcutaneous, intravenous, intramuscular, intradermal, intraperitoneal or intracerebral administration,

the active principles of these medicinal products selected from the group consisting of proteins, glycoproteins, proteins linked to one or more polyalkylene glycol chains, peptides, polysaccharides, liposaccharides, oligonucleotides, polynucleotides, small organic molecules that are hydrophobic, small organic molecules that are hydrophilic and small organic molecules that are amphiphilic.

Thus, the language “possibly being,” “especially” is superfluous,” and “for example...” has been removed. Further, the currently amended claim depends from Claim 16 and clearly contains elements not present in Claim 16. For example, Claim 16 does not claim “for the preparation of medicinal products for oral, nasal, vaginal, ocular, subcutaneous, intravenous, intramuscular, intradermal, intraperitoneal or intracerebral administration” nor does Claim 16 claim specific active principles. As per these claim amendments, the Applicant respectfully requests the Examiner withdraw the objection.

Finally, the Examiner objected to Claim 25, alleging the term “for example...” should be deleted, the term “possibly being” is indefinite, the term “especially” is superfluous,” the claim is indefinite as to the process steps intended, and suggests a new claim dependency. Claim 25 is

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cancelled, thus the Applicant respectfully requests the Examiner withdraw the objection. Applicant further reserves the right to pursue this claim in another application.

For the reasons set forth above, Applicant believes this Application is in condition for allowance.

Applicants submit concurrently a request for a three month extension of time under 37 C.F.R. 1.136 and the accompanying fee. Please charge our Credit Card in the amount of \$1,050.00 covering the fee set forth in 37 CFR 1.136(a). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. In the event that any additional extension of time is necessary to prevent the abandonment of this patent application, then such extension of time is petitioned. The U.S. Patent and Trademark Office is authorized to charge any additional fees that may be required in conjunction with this submission to 50-2228, referencing matter number 022290.0122PTUS from which the undersigned is authorized to draw.

Dated: March 12, 2008

Respectfully submitted,

By 

Lacy L. Kolo, Ph.D.

Registration No.: 55,439

PATTON BOGGS LLP

8484 Westpark Drive, 9th Floor

McLean, Virginia 22102

(703) 744-8000

(703) 744-8001 (Fax)

Agent for Applicants